

COMBINED DECLARATION/POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: SOLUBLE KERATIN PEPTIDE the specification of which (check one):

_____ is attached hereto

X was filed on June 11, 1999
as U.S. Application
Serial No. 09/330,550

_____ and was amended on (if applicable) _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefit(s) under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<u>YES</u>	<u>NO</u>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<u>YES</u>	<u>NO</u>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<u>YES</u>	<u>NO</u>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred

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between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No. :
Filing Date :
Status (patented, pending, abandoned) :

Application Serial No. :
Filing Date :
Status (patented, pending, abandoned) :

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

David M. Crompton, Reg. No. 36,772;
Glenn M. Seager, Reg. No. 36,926;
Brian N. Tufte, Reg. No. 38,638;
Craig F. Taylor, Reg. No. 40,199;
Robert E. Atkinson, Reg. No. 36,433; and
Allen W. Groenke, Reg. No. 42,608.

Send correspondence to:

Glenn M. Seager
CROMPTON, SEAGER & TUFTE, LLC
331 Second Avenue South
Suite 895
Minneapolis, Minnesota 55401-2246
Tel: (612) 677-9050

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, I further declare that I understand the content of this declaration.

Full name of sole or first inventor: Mark E. Van Dyke
Residence: Fair Oaks Ranch, Texas
Post Office Address: 8507 Percheron Circle, Fair Oaks Ranch, Texas 78015
Citizenship: U.S.A.

Inventor's Signature Mark E. Van Dyke Date 8/25/99

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Full name of second or joint inventor: Cheryl R. Blanchard

Residence: San Antonio, Texas

Citizenship: U.S.A.

Post Office Address: 14 Tanner Woods, San Antonio, Texas 78248

Inventor's Signature Cheryl R. Blanchard Date 8/25/99

Full name of third or joint inventor: Scott F. Timmons

Residence: San Antonio, Texas

Citizenship: U.S.A.

Post Office Address: 371 County Road 387, San Antonio, Texas 78253

Inventor's Signature Scott F. Timmons Date 8/25/99

Full name of fourth or joint inventor: Arlene J. Siller-Jackson

Residence: Helotes, Texas

Citizenship: U.S.A.

Post Office Address: 11635 Gulf Station, Helotes, Texas 78023

Inventor's Signature Arlene J. Siller-Jackson Date 8/25/99

Full name of fifth or joint inventor: Robert A. Smith

Residence: Jackson, Mississippi

Citizenship: U.S.A.

Post Office Address: 2246 E. Northside Drive, Jackson, Mississippi 39211

Inventor's Signature Robert A. Smith Date 8/26/99

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1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark E. Van Dyke
Cheryl R. Blanchard
Scott F. Timmons
Arlene J. Siller-Jackson
Robert A. Smith

Group Art Unit: 1615

Examiner: Unknown

Atty. Dkt. No.: KER020/64000

Serial No.: 09/330,550

Filed: June 11, 1999

For: SOLUBLE KERATIN PEPTIDE

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73
AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints:

Willem G. Schuurman (Reg. No. 29,998); Gregory L. Porter (Reg. No. 40,131); Andrew G. DiNovo (Reg. No. 40,115), Minh-Hien Nguyen (Reg. No. 37,294); Adam V. Floyd (Reg. No. 39,192), Michael A. Sanzo (Reg. No. 36,912, Timothy S. Corder (Reg. No. 38,414), Tracey B. Davies (Reg. No. 44,644); and Stephen J. Moloney (Reg. No. 44,947).

each an attorney or agent of the firm of Vinson & Elkins L.L.P., as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent

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and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Keraplast Technologies, Ltd., referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Timothy S. Corder, Patent Agent
VINSON & ELKINS L.L.P.
2300 First City Tower
1001 Fannin Street
Houston, Texas 77002-6760
Ph: (512/495-8446)

ASSIGNEE:
KERAPLAST TECHNOLOGIES, LTD.

By: 

Name: Tim H. Herring
Title: President of Keraplast Technologies
Management, LLC.

Date: 2/14/00

ASSIGNMENT:

- Concurrently filed
 Previously recorded

Date: September 20, 1999

Reel: 010248

Frames: 0428

Austin:108982 v 1

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